
CHARTER SCHOOL COMMISSION MEETING
Meeting Minutes
December 14 - 15, 2004
Boise, Idaho

A regular meeting of the Idaho Charter School Commission was held on December 15, 2004 at Boise State University in Boise, Idaho. Chairman Hammond presided. The following members were present:

Marianne Donnelly
Bill Goesling

Jim Hammond
Kirk Miller

Ann Souza
Esther Van Wart

Commissioner Powell joined the meeting late.

EXECUTIVE SESSION

M/S (Van Wart/Donnelly): To enter into executive session pursuant to Idaho Code Section 67-2345 (1), (a), (b), (c), (d), and (f). A roll call vote was taken. Motion carried unanimously.

In executive session, the Commission considered records that are exempt from public inspection; and considered and advised its legal representatives in pending litigation or where there is a general public awareness of probable litigation.

M/S (Goesling/Donnelly): To enter into executive session pursuant to Idaho Code Section 67-2345 (1), (a), (b), (c), (d), and (f). A roll call vote was taken. Motion carried unanimously.

The open meeting reconvened at 9:18 am, in the Lookout Room at Boise State University.

1. COMMISSION WORK

a) Agenda Approval

Commissioner Powell requested to change the order of the agenda by moving Idaho Leadership Academy Virtual before Idaho Leadership Academy Idaho Falls.

M/S (Goesling/Donnelly): To approve Agenda with suggested changes. The motion carried unanimously.

b) Rolling Calendar

M/S (Powell/Souza): To approve the next meeting date as Thursday, January 20,

2005 at Boise State University. *The motion carried unanimously.*

c) Minutes Approval

On September 16-17 minutes correct the spelling of Kirk Miller's name. No other changes were required.

M/S (Goesling/Donnelly): To approve Minutes as suggested. *The motion carried unanimously.*

2. Idaho Leadership Academy – Virtual (ILA)

The Idaho Leadership Academy members came to the table and offered that they had no formal presentation, but would answer questions from the Commission. They introduced themselves as Dan Wallace, Chairman of the Board, Anika Marshall, Director of Academics, Troy Henke, President, Bridgett Fife, Board Member and President of the Parent Committee (Brian Harrison and Rod Murdock were introduced, but not at the table). Chairman Hammond opened the floor to questions from the Commission. Commissioner Powell asked for clarification on the number of schools Idaho Leadership Academy intends to have. Idaho Leadership Academy responded that they intend to end up with three schools operating under one board. Pingree is brick and mortar under the Snake River School District and will remain chartered under them; the petition before the Commission is only for a virtual school, and the third school is a brick and mortar in Idaho Falls.

Discussion was held regarding ILA's record of success since opening in the fall of 2002. Data for the Idaho Standards Achievement Test (ISAT) was minimal and did not indicate students' progress. Troy Henke explained that the school is focusing on the math program low-test scores. He further added their last testing session did not test enough students. Their language programs were at or above the state standards. Chairman Hammond spoke of concerns on accountability of state funds to charter a school with limited information of tracking achievement from when they opened until now. Commissioner Powell further elaborated the concern of opening more schools while the data is still in the evolving stage, being perfected or improved. Mr. Henke explained that the data is combined from Pingree because they were in the same component as the virtual. Commissioner Van Wart asked what numbers of students were tested. Mr. Henke responded that 60-70 students tested for 10th and 11th and the entire student body will be tested in January.

Discussion was held regarding testing locations and special education for all three schools. ILA explained the locations set up for students and that their special education teacher was mobile and travels for services. Commissioner Goesling asked about students getting assistance or mentors. Mr. Henke explained that teachers act as both, and mentoring involves goal setting where students are held accountable, and that teachers are trained in Great Books training and internal training, and professional development. Mentors who are teachers are certified. The board looks for people who can demonstrate and set the example for students. Students can email teachers at anytime. Face-to-face time is minimal, with 70-80% non-verbal.

Commissioner Hammond questioned a reference on the school's web page to "the core book", referring to the statement of "religious text". Mr. Henke read the official statement from their current charter regarding the core book. Commissioner Hammond had reservations about the responsibility of making this a part of the core curriculum of a state sponsored school to read the bible, Koran or other religious material.

Susan Campbell cited Idaho code that states schools cannot utilize religious material in the course of instruction.

At Commissioner Miller's request, Mr. Henke further clarified that it is not part of the curriculum, but encouraging students to work on all aspects of their personal skills, also using the "Seven Habits of Effective Learning" as another learning tool.

Discussion returned to certified teachers and non-certified teacher numbers as of November 10, 2004. Dr. Henke stated there are certified teachers in all classes and five uncertified mentors working with students. All employees have required background checks. Teachers for the virtual school will be shared from Pingree. Pingree enrollment is less than 100, and right now, the virtual is 50. The five certified teachers for 150 students lies within the guidelines for the state.

Commissioner Goesling questioned governance of three different schools with the same board of directors. Mr. Henke explained that plans are to have each brick and mortar have their own principal and the virtual have their own administrator. The virtual and Pingree schools may share this year.

Commissioner Goesling asked for assurance in governing structure that parents are involved, asking who sets the policy and who carries through in the virtual arena. Troy Henke explained that parent meetings online will be tried and parents are involved in the hiring process, noting that there are representatives from the different communities. He further noted that parents do not vote for the board of directors at this time, so there is not a direct democratic election like public schools board of trustees, but there is a democratic process through the school district and explained they were rewriting the bylaws.

Commissioner Goesling asked what bylaws the charter was using and why they need to be rewritten. Mr. Henke explained the bylaws are still valid; some positions changed, or were eliminated, and are being redrafting through legal counsel. The Commission asked if application for a 503C status has been made and response was it has been made, but is still under review.

Commissioner Miller had questions regarding the budget projections. Approving the virtual school may change all the budget projections since a third of the allotment is intended for the virtual school. Budget monies for Professional Development were also discussed and it was mentioned that the amount is funded through the general budget

fund.

Commissioner Donnelly asked about the evaluation of the academic quality of the program. Idaho Charters Network Accountability Program has been chosen to audit policy and academic programs and write a report for the school to respond. Another third party auditor, American Academy for Liberal Education (AALE) is being utilized.

Commissioner Van Wart asked if written curricula for science and math had been submitted. Mr. Henke replied that it had not yet been submitted. Commissioner Van Wart also questioned the impact of the budget regarding a pending lawsuit; Mr. Henke stated the lawsuit has been settled.

Commissioner Miller asked why the financial audits due in October were not available. The audit is now complete and the financial officer read from the audit dated November 11, 2004. Commissioner Powell read the auditor cover page to assure the Commission that the audit gave a clean opinion.

M/S (Goesling/Donnelly): To deny the charter to Idaho Leadership Academy – Virtual School, because the petition has not met the requirements of Title 33 for numerous reasons, including but not limited to, its existing school's poor math performance. *The motion carried unanimously.*

In further discussion Commissioner Powell commended Idaho Leadership Academy for continuing to work with the Snake River School District for the Pingree School.

3. Idaho Leadership Academy – Idaho Falls

M/S (Donnelly/Van Wart: To deny the charter for Idaho Leadership Academy – Idaho Falls School, because the petition has not met the requirements of Title 33 for numerous reasons, including but not limited to, its existing school's poor math performance. *The motion carried unanimously.*

Commissioner Powell requested Idaho Leadership Academy to distinguish differences between the schools. Dr. Henke gave a brief statement and discussion continued on the differing number of students. Commissioner Powell expressed he had the same concerns of issues with both schools.

4. Liberty Charter School – Nampa

Liberty Charter School members came to the table and made introductions. Ted Hernandez, Board Member, Sheila Bryant, Board Member, Becky Stallcop, Administrator, Nancy Salvadore, Clerk. The Charter offered no formal presentation. Commissioner Van Wart asked under which Charter the school was now working, if it was the one dated August 3, 2004 and received an affirmative answer from the board members and Ms. Stallcop. Commissioner Powell clarified that the 2004 petition was

never granted and that they were operating under the 1999 agreement with Nampa School District and Ms. Stallcop agreed and added it was 2001 with the addition of the high school.

Becky Stallcop spoke regarding the success of the school operating for six years in spite of the district not embracing charter schools and was looking forward to support from the Charter Commission to achieve more success. Ms. Stallcop addressed testing scores within the school comparing with the local district and with the nation and academic achievement and improvement at the request of Commissioners Powell and Miller.

Commissioner Goesling requested an explanation of the governance structure of the school. Board member Sheila Bryant explained the structure and governance of administration and teachers. They have a full time special education teacher and contract for other special types of assistance. The district does not provide any assistance. First and second year grant money was used for transportation and services. Commissioner Powell reviewed the financial data questioning paying off a line of credit which was quite large and what event it was for, Ms. Stallcop explained it was a one time event, part of construction.

Commissioner Donnelly asked if Becky Stallcop was the administrator for the K-12 school and the breakdown of students. Ms. Stallcop replied she was the administrator for all grades and the student count was about 380 students. Commissioner Donnelly inquired about the administrator's salary. A board member explained that Ms. Stallcop, as the administrator, wears many hats as the financial administrator and earns every penny of her salary.

Commissioner Van Wart requested clarification of the modified year round schedule. Ms. Stallcop explained that they are financially dependent on average daily attendance and that they are not a year round school, but modified with a schedule that works with family schedules. The shorter summer schedule helps ISAT scores in the fall.

Commissioner Miller inquired about the charter's special education program population compared to the overall school and it was explained it was about eight to ten percent and that the program is repetitive and direct instruction and they drop two to three students per year from the program, moved to regular or inclusion program. Commissioner Powell asked for an explanation of the dropped students from special education and learned that through testing, they no longer qualify. Commissioner Miller inquired how they address the Individual Education Programs (IEP) need in a larger class size. The average is 32-33 students. Ms. Stallcop explained the larger class size qualifies for more non-classified service. Ms. Stallcop explained that Education Assistants (EA) work with students individually and that there is more EA help in lower grades. Commissioner Miller asked if the challenged kids are getting aid from non-certified teachers. Ms. Stallcop said they get help from both teachers and EA's who are advised by the teachers.

Commissioner Van Wart asked for clarification of background checks, teachers' written contracts approved by the state, and whether admission's procedure align with new temporary rules. Ms. Stallcop clarified background checks are performed, contracts are approved by the state and they use an approved lottery system for admissions.

Commissioner Souza asked for clarification of state allocation money for classified and administrative employees and how Ms. Stallcop's salary fits into the allocation. Ms. Stallcop explained because of her experience based on the index, she brings in \$125k and her salary is \$85k.

Commissioner Miller questioned the flow chart and Performance Potentials hired by the board for special duties. The board explained that due to two employees being relatives of Ms. Stallcop, Performance Potentials was hired to supervise and evaluate their positions so she would not be their direct supervisor. Performance Potentials reports directly to the Board.

Commissioner Powell asked if the charter before the Commission, redirected from the board contained any issues negotiated with the Nampa School District that Liberty would like to change. It was agreed that Liberty would work with staff on issues.

Commissioner Souza asked what might happen if the charter was not approved under the Commission and if the school district would not continue with the charter. Ms. Stallcop answered they would operate this as their last year.

Commissioner Miller asked how current requirements are met regarding No Child Left Behind (NCLB) and how the school is doing that with highly qualified teachers requirements. Ms. Stallcop explained that the school has specialists who come in at various times who are not full time teachers, but consultants and they are encouraged to take the online test for business people to teach. Commissioner Miller asked if they meet the current requirements of contact time with certified teachers. Ms. Stallcop replied they do.

Chairman Hammond asked the Commission to submit further questions to the State board of Education staff who will meet with Liberty Public Charter School staff and can offer answers through this method.

Commissioner Powell clarified for the record that the Liberty Charter School would continue to operate under the Nampa School District during the period of time that they work with staff to work out details.

Chairman Hammond called for public input or testimony on the petition, from those who had signed up in advance, Cindy Schiller, Bill Lofholm and June Blackhurst. It was noted that Mr. Lofholm was not available.

Cindy Schiller spoke on the issues before the Commission being the same as issues of the Nampa School District and encouraged the Commission to look at the issues of contracts. Other issues addressed were the governing board, three members being appointed and not elected. Chairman Hammond clarified that the concern then is the process by which they become board members. Ms. Schiller expressed there was no local control from the community for the use of the tax dollars and that accountability is needed to the taxpayers. She added that the lottery process does not comply with the current code. She also addressed the curriculum, explaining that the Harbor Method is not a curriculum, but a disciplinary method. Ms. Schiller also had concerns about not receiving the petition or legal sufficiency review until the day of the meeting. She offered that she supported charter schools but just had many concerns with this one.

Ms. Blackhurst asked that the Commission help Liberty to be accountable for public funds as they had an abundance of money, and they need to be honest and truthful with the money they have been given. She noted that the Charter had not reimbursed Nampa School District for services provided. She expressed concern that the teaching method and environment was not the best experience for her children and was not a "safe harbor" to be in for learning. She asked the Commission to look beyond the test scores and noted that some teachers were not certified.

Chairman Hammond thanked them for their testimony and offered in conclusion that staff would work with this petitioner on issues and that concerned citizens should send information in writing to the Commission.

5. Review of Victory Charter School Petition

Members of Victory Charter School came to the table and introduced themselves as Leslie Maulden, Chair of the Board, Gayle O'Donohue, Community Relations Director, Trudy Garringer, Governing Board member and Treasurer. Members presented the similarities of curriculum and differences between Liberty and Victory. They are within the same district and attendance area and under the same teaching method or curriculum. Victory Charter School is currently K-7 and will be adding grade eight, growing with the student body to K-12. Commissioner Donnelly expressed concern of two schools in the same area offering the same curriculum. Victory is up and running and in temporary buildings on the grounds of Liberty Charter School. The board offered the differences in the two schools and the benefits to sharing items such as transportation. Special education was addressed and they have a full time instructor.

Commissioner Miller asked what difference or hurdles were found. The biggest challenge was the temporary situation of logistics more than academic and they found that the program does work. The administration and staff are working together cohesively. Commissioner Goesling asked the willingness of the board to work with staff to discuss issues that need to be addressed. The board agreed.

Commissioner Souza asked how they become board members and discussion was held

on the appointment and election of board members and the general way charter school boards are formed and if parents were satisfied with the process. Commissioner Miller asked about the makeup of the board and how many were parents. Ms. Mauldin explained the makeup of the board. Commissioner Miller asked if the bylaws expressed the makeup of the board and explained that in looking at oversight in successful charter schools, board capacity is an issue and becomes very critical to whether the school can weather storms. Ms. Mauldin expressed they wanted to have diversity in the governing board. Commissioner Van Wart emphasized the importance of having a community member on the board. Victory has five governing board members.

The Commission questioned cash flow relative to projections and Ms. Garringer spoke of the challenges ahead and a line of credit, which is not on board, but in the works.

Commissioners Powell and Goesling requested and recommended the school return to the Commission in 60 days for review.

6. Review of Rolling Hills Public Charter School Petition

Rolling Hills members came to the table and made introductions of Doug Varie, Member of the Board, Kristine Reynolds, Executive Director of the Board, and Nate Hosac, Site and Facilities Committee. On September 24 an order was issued approving Rolling Hills Public Charter School. Board members indicated they have accomplished the tasks set before them in the order, including amending the charter to address deficiencies in the State Department of Education sufficiency review and presented copies to the Commission staff.

Commissioner Miller encouraged Rolling Hills to speak to the same financial issues that Liberty and Victory have faced as they may encounter the same concerns and learn from what these two schools have done to address the issues.

Commissioner Van Wart inquired about the progress of the plan and the site. Nate Hosac gave a quick overview of the site facilities progress and stated that the school had changed sites from State Street to Horseshoe Bend Road and Hill Road on the east adjacent to the Optimist parks. The school is acquiring three acres to be leased on a long-term lease. Meetings with ACHD and Ada County have been held. Application for the building permit for temporary facilities will be done and the three acres will be subdivided from the ten-acre property. Commissioner Powell asked if they plan to acquire more of the ten acres, or stay on the three acres. Rolling Hills at this time did not have a plan beyond the three-acre lease. Maximum enrollment expected is 300 students. Kristine Reynolds pointed out the new location compared to the previous area on a map, which was passed to the Commissioners.

Commissioner Miller asked about the primary attendance being a two-mile radius. It was explained the radius shifted approximately ten blocks from the original location. Commissioner Miller advised the board to take a hard look at 300 kids on three acres.

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Nate Hosac explained the contiguous relationship with a county park, which allowed for dual parking and play areas. Commissioner Powell agreed three acres is not enough land for modulars, construction, play space and parking and they were encouraged by the Commission to have an option to purchase or lease more of the ten acres for future development. The board stated they will have a twenty year lease with two purchase options and will review their options for additional land which they felt would be welcomed by the developer.

Commissioner Goesling wanted to assure appropriate oversight and asked the board to come back before the Commission in March. Commissioner Powell pointed out any critical checkpoints need to be provided to staff as a status update via email for the Commission. Commissioner Souza offered that any questions the board might have also be sent to staff and reiterated extending the land option for the whole ten acres if possible.

Chairman Hammond adjourned the meeting at 12:53 p.m.